

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

MICHAEL L. OVERTON,

Plaintiff,

v.

GOVERNOR OF THE STATE OF
CALIFORNIA, *et al.*,

Defendants.

Case No. 2:23-cv-00468-JDP (PC)

ORDER AND FINDINGS AND
RECOMMENDATIONS

On March 17, 2023, I ordered plaintiff to submit, within thirty days, either the \$402 filing fee or an application to proceed *in forma pauperis*. ECF No. 3. I also warned him that failure to respond to the order would result in a recommendation that this action be dismissed. *Id* at 1-2. Plaintiff did not comply with that order. On May 16, 2023, I ordered him to show cause why this action should not be dismissed for failure to pay the filing fee, failure to prosecute, and failure to comply with court orders. ECF No. 7. I directed plaintiff to either pay the filing fee or submit a complete application to proceed *in forma pauperis* within twenty-one days. *Id*. To date, plaintiff has not submitted the required filing fee nor otherwise responded to the May 1 order.¹

Accordingly, it is hereby ORDERED that the Clerk of Court shall randomly assign a

¹ On April 11, 2023, plaintiff filed a letter relating to his complaint, but the letter neither addressed the issue of the filing fee nor was accompanied by an application to proceed *in forma pauperis*. ECF No. 6.

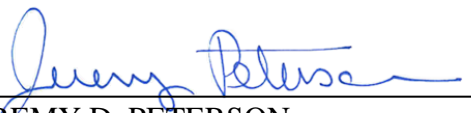
United States District Judge to this case.

Further, it is RECOMMENDED that this action be dismissed without prejudice for failure to pay the required filing fee and failure to comply with court orders.

These findings and recommendations are submitted to the United States District Judge assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within fourteen days after being served with these findings and recommendations, any party may file written objections with the court and serve a copy on all parties. Such a document should be captioned “Objections to Magistrate Judge’s Findings and Recommendations.” Any response to the objections shall be served and filed within fourteen days after service of the objections. The parties are advised that failure to file objections within the specified time may waive the right to appeal the District Court’s order. *Turner v. Duncan*, 158 F.3d 449, 455 (9th Cir. 1998); *Martinez v. Ylst*, 951 F.2d 1153 (9th Cir. 1991).

IT IS SO ORDERED.

Dated: July 5, 2023


JEREMY D. PETERSON
UNITED STATES MAGISTRATE JUDGE